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**From :** Stephen E. Reiter  
**Email Address :** sreiter@foley.com  
**Sender's Direct Dial :** 858.847.6711  
**Date :** October 25, 2004  
**Client/Matter No :** 088802-9702 (SALK3130-1)  
**User ID No :** 1877

**MESSAGE:****Re:** United States Patent Application No. 10/658,115

Following are:

- 1) Response to the Notice of Incomplete Reply (Nonprovisional) (6 pgs.)
- 2) Petition Under 37 CFR 1.47(a) (2 pgs.)
- 3) Declaration of Facts in Support of Petition Under 37 C.F.R. 1.47 (2 pgs.)
- 4) Petition for Extension of Time (1 pg.)
- 5) Copy of the Notice of Incomplete Reply (1 pg.)

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Atty. Dkt. No. SALK3130-1 (088802-9702)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Downes et al.

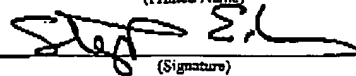
Title: NON-STEROIDAL FARNESOID  
X RECEPTOR MODULATORS  
AND METHODS FOR THE USE  
THEREOF

Appl. No.: 10/658,115

Filing Date: 09/08/2003

Examiner: Unknown

Art Unit: 1645

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.  Stephen E. Reiter, Reg. No. 31,192 (Printed Name)  (Signature)  October 25, 2004 (Date of Deposit)
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**RESPONSE TO THE NOTICE OF****INCOMPLETE REPLY (NONPROVISIONAL)**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

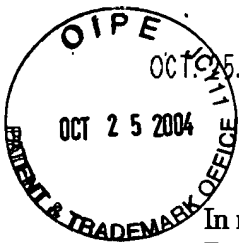
Responsive to the Notice of Incomplete Reply mailed July 16, 2004, attached hereto are the following to complete the formal filing requirements in the above-identified application:

1. Petition Under 37 CFR §1.47(a)
2. Executed Declaration of Facts in Support of Petition Under 37 C.F.R. 1.47.
3. A copy of the Notice of Incomplete Reply (Non-Provisional) mailed February 21, 2001.

[ X ] Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

10/26/2004 JBALINAN 00000089 500872 10658115

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NO. 1039 P. 3

In re application of  
Downes et al.  
Application No.: 10/558,115

Atty. Dkt. No. SALK3130-1 (088802-9702)

[ X ] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below. A Petition for Extension of Time is enclosed.

[ ] Extension for response filed within the first month:	\$110.00	\$0.00
[ ] Extension for response filed within the second month:	\$430.00	\$0.00
[ ] Extension for response filed within the third month:	\$980.00	\$0.00
[ ] Extension for response filed within the fourth month:	\$1,530.00	\$0.00
[ X ] Extension for response filed within the fifth month:	\$2,080.00	\$2,080.00
EXTENSION FEE TOTAL:		\$2,080.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$2,080.00
[ X ] Small Entity Fees Apply (subtract ½ of above):		\$1,040.00
[ X ] Subtract Extension Fee previously paid		55.00
SUBTOTAL		985.00
[ X ] Petition Under 37 C.F.R. §1.47(a)	\$130.00	\$130.00
TOTAL FEE:		\$1,115.00

[ X ] Please charge Deposit Account No. 50-0872 in the amount of \$1,115.00. A duplicate copy of this transmittal is enclosed.

[ ] A check in the amount of \$0.00 is enclosed.

[ X ] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

In re application of  
Downes et al.  
Application No.: 10/558,115

Atty. Dkt. No. SALK3130-1 (088802-9702)

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date

10/25/04

By

SEP E.L.

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